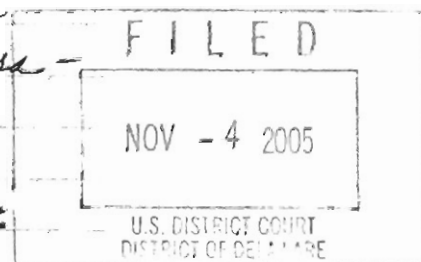


Sir:

I have brought action against Sussex Correctional Institution's Correctional Officers and various Delaware State Prison Officials, Delaware State Judges, and other named defendants alleging they violated my constitutional rights by subjecting me to severe beatings by excessive force under §1983, and alleging state law assault and battery claims. I'm asking Delaware District Court to hold that: (1) Correction's officers (C/O's) used excessive force for no justifiable reason, in violation of the Eighth Amendment; (2) I am not required to prove that I sustained significant or permanent injuries; (3) officers and officials are not entitled to qualified immunity; (4) Officers who did not participate in beatings are liable based upon their failure to intervene; (5) Officers committed torts of assault and battery; (6) various state officials who I contacted for administrative remedies are liable for their failure to investigate and intervene based on my written letters, and written formal complaints concerning Delaware State Superior Court Judge and Delaware State Supreme Court Justice are also liable based on their failure to investigate and intervene in my allegations of beatings of excessive force; and (7) award of compensatory and punitive damages.

This is my narrative, my statement of facts:

From September 7, 2004, until May 23, 2004, I was a pre-trial detainee at Sussex Correctional Institution (SCI) in Georgetown, Delaware. On approximately November 1, 2004, I was administratively transferred from Unit 5 pre-trial to ASDA in the Multiservice Building (MSB) and was kept in ASDA (I do not know what ASDA stands for) the entire month of November with no reason given to me. (When I was sent back to Unit 5, I asked LT. Attalian for →



paperwork for me being transferred to ASDA... his reply was "you (me) do not need or do not have any paperwork." I do know that transfer to ASDA is used by SEI for disciplinary action. At the beginning of December, 2004, I was transferred back to Unit 5 pre-trial. — Sometime around the 3rd week in ASDA, Approximately November 25, at approximately 4:30 a.m., Correctional (C/O) Jonathon Baker, a 6'6", 275 lb. (by his own admission to me) came to ASDA 3 where I was housed along with 7 or 8 other prisoners and told me I was being moved and that he (Baker) wanted to handcuff me before taking me out of ASDA 3. I placed my dentures in my mouth to which Baker said I would not them.... I then told him I wanted them with me... he insisted I leave them in my cell in ASDA 3. He (Baker) then told me to place my hands behind me so he could put handcuffs on me. He then took me out of ASDA 3 refusing to allow me to take my teeth and refusing to tell me where he was taking me. Once outside the ASDA 3 holding cell, Baker closed the ASDA 3 door, not realizing that a fellow prisoner was watching what was happening from the window of ASDA 3's main door. Baker then walked me approximately 5 feet to a door leading to the prison's medical department and the prison Gymnasium. When Baker and I got within a couple of feet within the door (now my witness could observe what was going on approximately 5 feet from the door of ASDA 3) Baker stopped me, at which time C/O Floyd, a black C/O, and a white C/O named Chaffinch appeared on the scene and stood approximately 2 feet behind Baker watching Baker and I. Baker then proceeded to grab me (Cardone) by both of my arms and repeatedly slammed my head into the iron door, causing and creating a severe gash over my right eye which immediately began to bleed. Baker then proceeded to slap me repeatedly with his open left hand which had a leather shake down glove on the hand. At the time he started beating on me,

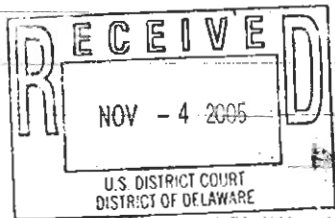
(Con't) Pg 3 →

Continuation of a letter to Judge
Jordan by Charles F. Cardone
in re: CA 05-536 KAT
CA 05-600 KAT

Pg 3

he was yelling the entire time that SCI was his prison and I was going to follow the rules. C/O's Floyd and Chaffinch did not participate in this beating nor did they intervene to stop Baker from beating me. This beating lasted approximately 5 to 10 minutes and was witnessed in its entirety by my fellow ASDA 3 cell-mate who wrote out a 2 page statement of what he witnessed and signed and dated it and gave it to me to use should I decide to file a lawsuit. When I was transferred back to unit 5 in the pre-trial building, this narrative statement by my witness was unknowingly found and taken by C/O's during a shakedown of my cell. Getting back to the beating.... when Baker was done beating on me, the C/O's placed me in a holding cell between ASDA 1 and ASDA 2 for approximately 1-1 1/2 hours, while the bleeding from my cuts eventually stopped. At that time I was taken back to ASDA 3 by C/O's and left there until regular sick call was conducted at approximately 8 or 8:30 am. I went to sick call and asked Diane, a nurse who I had known for about 5 years, to clean my cuts to which she replied "go back to your cell and clean yourself up." I was denied medical treatment and my sick call request slips went unanswered. About 10 days later, on Dec. 3, 2004, I appeared before Judge Graves for a hearing initiated by my then Public Defender, F. Stephen Callaway, to withdraw as my attorney in my upcoming trial in Superior Court, Case # 040900-5091. At this hearing, I advised (Con't) →

- Judge Graves that I was recovering from a severe beating by SCI C/O's, to which he replied "you (me) don't look too worse for wear," and the hearing was held to its conclusion. This hearing is a matter of record to which I am being denied access to the transcripts by my now court appointed attorney, Michael R. Abernethy and by the Supreme Court of Delaware who I wrote to to request transcripts of that DEC. 3, 2004 hearing and also, Judge Graves, because I put in a formal complaint to the Supreme Court of Delaware because of what his response to me, in open court, when I advised Graves of the beating I endured by SCI C/O's. Justice Myron Steele sua sponte dismissed my ~~appeal~~ complaint. I was also denied, by Graves, in my Motion for Recusal of Graves as my trial Judge on March 28, 2005, I felt Graves could not be an unbiased and impartial Judge in my trial in front of him. The afore mentioned are some of the reasons I have named Graves and Myron Steele as defendants in my 1983 actions. A narrative, by me, of the 2nd and 3rd beatings of me by C/O Drugash and C/O's Hammond and Morgan (Female) will be submitted to the Court as supplemental statements in the near future.



Thank You,
 Charles F. Cardone
 Charles Z. Cardone
 SBI # 098159
 Bldg. SHU (12) B8L-DCC
 1181 Paddock Road
 Smyrna, DE
 19977

*I will request copies when receipt of this letter is acknowledged.

cfc.

I/M

Charles F. Cardone

SBI#

098159

UNIT

SHU(19)B8L

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